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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,639	07/30/2003	David Claramunt	200206357-1	9141

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EXAMINER
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NGUYEN, THINH H

ART UNIT	PAPER NUMBER
2861	

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/629,639

Applicant(s)

CLARAMUNT ET AL.

Examiner

Thinh H Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,9,16,19-23,24,26 and 27 is/are rejected.
- 7) ☐ Claim(s) 3-8,10-15,17,18 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Preliminary Amendment Received***

1. Acknowledgement is made of the receipt of the Preliminary Amendments filed on July 30, 2003.

### ***Claim Rejections - 35 USC § 112***

2. Claims 19-22 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following limitations lack antecedent basis:

"the device" (line 1).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 9, 16, 23-24, 26-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Castelli et al. (U.S.6,412,907)

Re claims 1 and 23, Castelli (fig. 7) discloses elements of the instant claimed media feed measurement method and system (110) adapted to identify media features (characterized by marks 250) at first and second locations (characterized by first line and second line at locations in first or second printing swath) spaced apart by a first

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distance (characterized by first distance between first lines and second lines of first and second printing swath) along a media feed path, the system being arranged during a feed operation to identify a first then a second feature at the first location and subsequently to identify those features at the second location, the features being spaced apart along the feed path by a second distance substantially less than the first distance (because the spacing between marks 250 can be varied col.6, lines 18-19, second distances between first lines and second lines of first and second printing swath in Castelli can be different accordingly), the system being arranged to determine a given media feed distance in dependence upon the first and the second distance (see col.7, lines 23-67).

Re claims 2, 24, wherein the first and second features are selected such that when the second feature is identified at the second location (characterized by second line location in first or second printing swath), the first feature is substantially located at predetermined position (characterized by first line location in first or second printing swath).

Re claim 9, wherein the feed operation is arranged to feed the media between one and two times the length of the first distance (at least one length of the first distance corresponding to lines between first and second printing swaths; col.7, lines 23-65).

Re claim 16, wherein media feed measurement system is associated with a scanning inkjet printer (see abstract).

Re claim 26, the media feed step further comprises the step of feeding the media a fine adjustment distance, in dependence upon the step of determining (as described in col.7, lines 54-60)

Re claim 27, wherein a computer program comprising program code means for performing the method step associated with the system (col.10, lines 26-32).

***Allowable Subject Matter***

5. Claims 3-8, 10-15, 17-18, and 25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 19-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Pertinent Prior art***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,607,458 to Downing et al.

***Patent Application Information Retrieval (PAIR)***

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

### **Contact Information**

8. Any inquiry concerning this communication should be directed to examiner Thinh Nguyen at telephone number (571) 272-2257. The examiner can generally be reached Mon-Wed, and Thurs from 9:00A – 5:00P. The official fax phone number for the organization is (703) 872-9306. The examiner supervisor, Dave Talbott, can also be reached at (571) 272-1934.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-1782.



Thinh Nguyen

January 19, 2005

**Thinh Nguyen**  
**Primary Examiner**  
**Technology Center 2800**